

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT)**

KARLA PATRICIA IRAHETA

*

Plaintiff,

* Civil Action No.: 8:12-cv-01426-DKC

v.

*

LAM YUEN, LLC, et al.

*

Defendants.

*

* * * * *

PLAINTIFF'S ANSWERS TO DEFENDANT'S INTERROGATORIES

Plaintiff Karla Patricia Iraheta (“Iraheta” or “Plaintiff”) Answers the Interrogatories of Defendant Lam Yuen, LLC as follows:

GENERAL RESPONSES

Plaintiff objects to the instructions and definitions contained in Defendant’s Interrogatories to the extent that, as applied to specific discovery requests, they cause the requests to be overly broad and global, vague and ambiguous, unduly burdensome, and to seek information, in part, protected from disclosure by the attorney-client, work product, party communications, investigative, and consulting expert privileges.

Plaintiff further objects that the Interrogatories, including discrete subparts, far exceed the permissible number of Interrogatories permitted under Federal Rule 33.

SPECIFIC RESPONSES

Subject to and without waiving these general responses, Plaintiffs respond to the specific Interrogatories as follows:

“Identification”

Interrogatory No. 1: State your full name, any other name by which you have been known and the circumstances surrounding name, social security number, age, present address and telephone number and the full names of all persons residing with you, stating their

Answer: Defendants willfully and/or intentionally failed and/or refused to pay to Plaintiff the minimum wage due and owed in violation of the FLSA for the term of her employment operations or common control, for a common business purpose, whether performed in one or more locations and the Café at the Rockville Pike location through related activities, performed under unified this action, Defendants operated a "single enterprise" constituted of the Nebel Street bakery factory.

From approximately May 9, 2009 thru April 3, 2012, 29 U.S.C. §§ 206 and 207. At all times material to this action, Defendants willfully and/or intentionally failed and/or refused to pay to Plaintiff the minimum wage due and owed in violation of the FLSA for the term of her employment.

Answer: All Defendants willfully and/or intentionally failed and/or refused to pay to Plaintiff the

answers to these interrogatories.

Interrogatory No. 4: For each Defendant named in the Complaint, identify each section and subsection identifiy all documents which relate to each alleged violation, attaching a copy of any documents to your State in detail how the defendant violated each section or subsection, during what period of time, and of the Fair Labor Standards Act of 1938, as amended, that such defendant is alleged to have violated.

- a. Defendants, Nebel Street bakery location, 12205 Nebel Street, Rockville, Maryland 20852.
- b. Dennis Lam, Stan Lam, and Lam Yuen, LLC were among the supervisory chain of command.
- c. Duties included, but were not limited to, washing and cutting fruits and vegetables, cleaning, baking pastries, unloading deliveries, mopping floors, taking out the garbage, and other work related to food preparation and maintenance of the bakery factory.

Answer: I have held the position of "bakery prep and cook/utility person."

Interrogatory No. 3: Identify each position you have held for the past 10 years, setting forth for each position identified:

- a. The name of the office and component in which the position was organizationally located;
- b. Identify each individual who was in the supervisory chain of command; and
- c. A brief description of the duties of the position

Answer: None.

"Positions Held"

Interrogatory No. 2: Identify any and all documents that you have used to help you answer any of these interrogatories

Answer: Krala Patricia Laheta, 11801 Ashley Drive, Rockville, Maryland 20852. Reside at this address with my family. Plaintiff objects to the remainder of this Interrogatory as invasive of privacy and irrelevant to the allegations or defenses in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Answer: Karla Patricia Laheta, 11801 Ashley Drive, Rockville, Maryland 20852. Reside at this address relationship to you.

pursuant to Md. Code, Lab. & Emppl. Art., § 3-507.2(b); attorney's fees, costs, and expenses of this action as a result of Defendants' failure to pay Plaintiff Defendants failed to pay Plaintiff pursuant to Md. Code, Lab. & Emppl. Art., § 3-507.2(b); and for Art., § 3-507.2(a); for three times the minimum and overtime wages in the amount of \$119,994.48 that \$39,998.16 for employment from May 9, 2009 thru April 3, 2012 pursuant to Md. Code, Lab. & Emppl. owe Plaintiff for the unpaid minimum and overtime wages due to Plaintiff in the amount of "employee" in the "employ" of Defendants within the meaning of the MWHL and MWPCl. Defendants all times material to the allegations set forth herein, Plaintiff was all times material to the allegations set forth herein, Defendants were "employees" within the meaning of the MWHL and MWPCl. At all times material to the allegations set forth herein, Plaintiff was all times material to the allegations set forth herein, Defendants were "employees" within the meaning of the MWHL and MWPCl. Defendants within the meaning of the MWHL and MWPCl, Defendants required minimum and overtime wages due; and failure to provide a statement of gross earnings and deductions to Plaintiff was not the result of any bona fide dispute between Plaintiff and Defendants. All each pay period, MD Code Lab. & Emppl. Art. § 3-504(2). Defendants failed to pay the were further obligated to provide a statement of gross earnings and deductions from gross earnings for Plaintiff unless explicitly authorized by Md. Code Ann., Lab. & Emppl., § 3-501, et seq. Defendants date on which the Defendants were required to have paid the wages. Defendants may not deduct wages and to pay the statutory minimum and overtime wages for such work, MD Code Lab. & Emppl. Art. §§ 3-415. Defendants failed and refused to pay the required minimum and overtime wages and owed Plaintiff those wages earned for the work she performed. More than two weeks have elapsed from the Plaintiff failed to pay the statutory minimum and overtime wages for such work, MD Code Lab. & Emppl. Art. §§ 3-413; 3-415. Defendants failed and refused to pay the required minimum and overtime wages and owed Plaintiff, at all times material to the allegations set forth herein, Plaintiff is alleged to have violated Article, §§ 3-501, et seq. ("MWPCl"), which the defendant is alleged to have violated. State in detail how the defendant violated each section or subsection, Plaintiff and Maryland Wage Payment and Collection Law, MD Code Labor and see. ("MWHL") and Maryland Wage Payment and Collection Law, MD Code Labor and see. ("MWHL"). For each Defendant named in the Complaint, identify each section and subsection interrogatory No. 5: of the Maryland Wage and Hours Law, MD Code, Labor & Employment Article §§ 3-401, et seq.

Answer: All Defendants were obligated to pay Plaintiff all wages earned for the work she performed violation, attaching a copy of any documents to your answers to these interrogatories. during what period of time, and identify all documents which relate to each alleged have violated. State in detail how the defendant violated each section or subsection, Plaintiff Article, §§ 3-501, et seq. ("MWPCl"), which the defendant is alleged to have violated Article, §§ 3-501, et seq. ("MWPCl"), which the defendant is alleged to have violated. State in detail how the defendant violated each section or subsection, Plaintiff and Maryland Wage Payment and Collection Law, MD Code Labor and see. ("MWHL") and Maryland Wage Payment and Collection Law, MD Code Labor and see. ("MWHL"). For each Defendant named in the Complaint, identify each section and subsection interrogatory No. 5: of the Maryland Wage and Hours Law, MD Code, Labor & Employment Article §§ 3-401, et seq.

Plaintiff's reasonable attorney's fees and costs incurred in this action pursuant to 29 U.S.C. § 216(b); to the unpaid minimum and overtime wages of \$39,998.16 pursuant to 29 U.S.C. § 216(b); and for employment from May 9, 2009 thru April 3, 2012; for an additional amount of liquidated damages equal Plaintiff pursuant to 29 U.S.C. §§ 206, 207 and 216(b) in the amount of \$39,998.16 for unpaid minimum wage and overtime compensation, plus an additional amount as liquidated damages, "employee" of Defendants within the meaning of the FLSA. Defendants are liable to Plaintiff for her Plaintiff reasonable attorney's fees and costs for the amount of unpaid minimum and overtime wages due to an "enterprise", engaged in commerce or otherwise engaged in commerce within the meaning of the meaning of the FLSA. At all times material to the allegations set forth herein, Plaintiff was an "employee" in the FLSA. At all times material to the allegations set forth herein, Plaintiff suffered a loss of wages therefore, Plaintiff for the rights of Plaintiff under the FLSA and Plaintiff suffered a loss of wages therefore. At all times material to the allegations set forth herein, Defendants were "employees" of Plaintiff within the meaning of the FLSA. At all times material to the allegations set forth herein, Defendants actions were taken with willful work regularly involved production of goods for interstate commerce. The products created from the bakery factory were transported out of state. Defendants actions were taken with willful establishments or by one or more corporate or other organizational units within the meaning of the FLSA, 29 U.S.C. § 203(r)(1). Plaintiff qualified individuals for individual coverage under the FLSA because her

b. The name and address of each person by whom the witness is employed, and the
a. The name and address of the witness;

respect to each witness, state:

Interrogatory No. 9: Identify all witnesses which you anticipate calling in the trial of this case. With

"Witness, Name of"

Answer: The agreement was not modified or changed.

Copies of your answers to these interrogatories.

all persons present when each modification or change was agreed upon. Attach any
the date that each modification or change was agreed upon, the names and addresses of
to your answers to these interrogatories, the nature of all modifications or changes made,
modified, whether the modification was written or oral; if written, attach a copy thereof
or agreement in any way modified or changed? If so, please state; which contract was

Interrogatory No. 8: For each contract identified in a previous interrogatory, state whether that contract

commencement of Plaintiff's employment and throughout until her termination.

Answer: At all relevant times, Defendants had agreement of employee-employer at the

contract. Attach any copies of your answers to these interrogatories.

contented, communicated and/or contributed in any way to your understanding of the
your understanding of the contract relatives and please identify each party whom you
the date, time and place of all communications, actions, transactions, events on which
person present at the time the agreement was entered into, please include in your answer
making of the contract, the duties of each party under agreement, the identity of each
agreement was oral or written, when the agreement was entered into and the place of

Interrogatory No. 7: With respect to any agreements entered into with Defendant, state; whether the

Answers: See Answer to Interrogatory No. 4.

f. The identity of each person who has knowledge thereof.

any documents to your answers to these interrogatories; and

e. The identity of all documents which relate to the allegation, and attach a copy of

d. The identity of each person having knowledge of the fact;

c. The location or place of the facts;

b. The date or period of time of the facts;

a. The specific fact in detail;

in part, for the allegation. With respect to your answer, state:

Defendant named in the Complaint, set forth each fact which forms the basis, wholly or
constitute "willful violations" within the meaning of 29 U.S.C. § 225, and, if so, for each
Interrogatory No. 6: Does the Plaintiff allege that the acts and omissions complained of in the Complaint

or approval was conveyed to you;

i. If the order or approval was other than written or verbal, describe how the order

h. If the order or approval was written or verbal, recite in detail the words used;

g. The method by which the order or approval was conveyed;

hours worked;

f. The name, address and position of each individual who ordered or approved of the

e. The time of day or night that the hours were worked;

d. The type of work involved;

c. Whether the work was performed on a Sunday or Holiday

b. The date when the hours were worked;

a. The number of hours worked;

or forty (40) hours in a week, specify:

Interrogatory No. 11: For each instance on which you worked hours in excess of eight (8) hours in a day

--Identification--
"Excess Hours Worked"

Answers: No.

f. The identity of each person who has knowledge thereof

e. The identity of all documents which related to the claim; and

d. The identity of each person have knowledge of the facts;

c. The location or place of the facts;

b. The date or period of time of the facts;

a. The specific facts and details;

part, for the claim. With respect to your answer, state:

Interrogatory No. 10: State whether you have ever, within the relevant time period, made any worker's compensation claims, and, if so, set forth each fact which formed the basis, wholly or in

individual has yet been identified. Plaintiff will supplement this Answer when other witnesses are

worked with Plaintiff and/or Castillo to also testify as the matters alleged in the Complaint, however, no

testify at trial to the matters alleged in the Complaint. Plaintiff expects some other co-workers who

expects that Plaintiff and co-Plaintiff, Carolina Castillo, and Defendants Dennis Lam and Stan Lam, will

by Plaintiff and in anticipation of trial, which is on-going. Notwithstanding the objection, Plaintiff

Answers: Plaintiff objects to this Interrogatory in that it asks for information not yet definitely reached

witnesses.

c. A concise, but complete, description of the testimony anticipated by you from the

nature of the witness' position; and

amounts:
 151 weeks of work. ($\$375 \times 151$ weeks = $\$56,625.00$) Lraheta's pay should have been paid the following
 Lraheta was paid $\$750.00$ bi-weekly; thus, $\$375.00$ per week. She was paid a total of $\$56,625.00$ total for

Total overtime hours worked: 4,832 hours.

Total regular hours worked: 6,040 hours.

151 weeks x 40 hours worked = 6,040 hours.

151 weeks x 72 hours worked = 10,872 hours.

HOURS WORKED:

Overtime is calculated as follows:

worked 151 weeks and 3 days from May 9, 2009 thru April 3, 2012. Lraheta's minimum wage and minimum wage was $\$7.25$ per hour. Consequently, her overtime rate was $\$10.88$ (rounded). Lraheta
 March 28, 2003 thru April 3, 2012. For work Lraheta performed on or after July 24, 2009, the federal
 issuing paystubs or other documentation. Lraheta was not paid minimum and overtime wages from
 unemployment, etc. Defendants also employ other Hispanic employees and also pay cash without
 never issued Lraheta a W-2 and have never filed or paid payroll taxes including social security,
 did not issue Lraheta a paystub or any other documentation along with the actual cash. Defendants have
 2005 until termination, Lraheta was paid $\$750$ /bi-weekly. Lraheta was always paid in cash. Defendants have
 $\$650$ /bi-weekly. Beginning January 1, 2004, Lraheta was paid $\$700$ /bi-weekly. Beginning January 1,
 paid a total of $\$600.00$ /bi-weekly. Beginning her fourth month, (Approx. July 28, 2003) she was paid
 During the first three months of her employment (Approx. March 28 thru June 28, 2003), Lraheta was

* Includes 2 hours per day of uncompensated work.
Total Scheduled Hours of 72 hours/ per week.

Sun: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

Sat: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

Fri: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

Thur: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

Wed: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

Tues: Off

Mon: 7:00 a.m. - 7:00 p.m. = 12 hours/per day*

schedule each week during the term of her employment by all Defendants:
 breaks during the workday as mandated and directed by all Defendants. Lraheta worked the following
 Answers: Plaintiff worked a regular schedule of a total of 72 hours per week with no designated meal
 work.

- i. Whether the individual who ordered or approved the hours worked instructed or
 directed you as to when and/or where to perform the work; and
 k. Whether the individual who ordered or approved the hours worked instructed or
 j. Whether the order or approval was given before or after you performed the work;

Answer: Plaintiff objects to this interrogatory as irrelevant to any action or defense in this case and is not reasonably calculated to lead to the discovery of admissible information.

never requested overtime pay.

Interrogatory No. 13: If the answer to the preceding interrogatory is in the negative, explain why you

by all Defendants.

Answer: I did not request overtime. I worked overtime as mandated, scheduled, ordered and assigned

above rather than during your regularly scheduled hours.

k. All reasons that the work was performed on the date and at the time specified

j. The date when the overtime work was performed; and

i. The hours of the day or night that the overtime work was performed;

overtime work;

h. The name, address and position of each individual who ordered or approved the

g. A description of the type of work for which you requested overtime pay;

you with overtime pay;

f. If you were not given overtime pay, any reason given by anyone for not providing

name, address and position of each individual who authorized the payment;

e. Whether you were given overtime pay on that occasion and, if you were, the

d. Whether the response given to you was verbal or in writing;

c. The response provided by the individual(s) to whom you made your request;

b. Whether you made your request in writing or verbally;

a. The name, address and position of each individual to whom you made your

Interrogatory No. 12: During the time that you were or have been employed with the defendant employer, state whether you have ever requested overtime pay, and, if so, set forth:

"Requests for Overtime"

employment by Defendants from May 9, 2009 thru April 3, 2012.

worked a total of 36 hours: $36 \times \$7.25 = \261.00 . Racheta is therefore due a **total of \$39,998.16**

\$56,625.00. Defendants also failed to pay Racheta for her last 3 days of work. Racheta

derived from the total minimum and overtime wages due of \$96,362.16 minus the actual receipt of

Racheta is due a total of **\$39,737.16** in earned, but unpaid minimum and overtime wages, which is

Total Minimum Wage and Overtime = **\$96,362.16**

OVERTIME WAGE: 4832 hours at \$10.88 = \$52,572.16

MINIMUM WAGE: 6040 hours at \$7.25 = \$43,790.00

Interrogatory No. 16: If the answer to the preceding interrogatory is in the negative, explain why you never requested compensatory time in lieu of overtime pay.

Answers: No.

- i. A description of the type of work for which you worked overtime and requested providing you with comp. time;
- j. The name, address and position of each individual who authorized or approved comp. time off;
- k. The hours of the day or night that the overtime work was performed; and your use of comp. time;
- l. The date that the overtime work was performed.

Interrogatory No. 15: During the time that you were or have been employed by the defendant employer, state whether you have ever requested compensatory time off ("comp time") in lieu of overtime pay or otherwise as a result of your having worked overtime, and if so, set forth:

"Compensatory Time"

Answers: I was not paid or ever received overtime pay for which I worked.

- a. A description of the type of work for which you were granted overtime pay;
- b. The name, address and position of each individual who ordered or approved the overtime work;
- c. The hours of the day or night that the overtime work was performed;
- d. The date when the overtime work was performed; and
- e. All reasons that the work was performed on the date and at the time specified above rather than during your regularly scheduled hours.

Interrogatory No. 14: During the time that you were or have been employed by the defendant employer, state whether you have ever received any overtime pay, and, if so, set forth:

"Receipt of Overtime Payment"

a. The date when this occurred;

Interrogatory No. 19: During the time that you have been employed by the defendant employer, state whether you have ever either arrived later than the beginning of your basic twelve (12) hour day or left earlier than the end of your basic twelve (12) hour day without taking leave, and, if so, for each instance when you either arrived later or left earlier, set forth:

“Late Arrival/Early Departure”

Answers: No.

f. Finished work after your regular twelve hour day on the same day.

c. Whether you began work earlier than your regular twelve (12) hour day or

b. How long your meal break was; and

a. The date when this occurred;

utilizing leave, set forth:

Interrogatory No. 18: During the time that you have been employed by the defendant employer, state whether you ever took or have ever taken a meal break during which you performed no work and which was in excess one half hour without utilizing leave time, and, if so, for each instance when you took a work-free meal break in excess of one half hour without work, believe that you were entitled to take off comp. time;

Interrogatory No. 18: During the time that you have been employed by the defendant employer,

“Excess Meal Breaks”

Answers: No.

f. The date(s) that the comp. time off was taken.

e. How much comp. time off you took or were allowed to take off; and

believe that you were entitled to take off comp. time;

d. If no one authorized or approved the use of comp. time, the reason why you

approved your use of comp. time;

c. The name, address and position of each individual, if any, who authorized or

were granted comp. time off;

b. The amount of overtime you had worked on the occasion for which you took off;

a. A description of the type of work for which you took or were granted comp. time

otherwise as a result of your having worked overtime, and, if so, set forth:

Interrogatory No. 17: During the time that you have been employed by the defendant employer,

“Receipt of Compensatory Time”

Answer: I was due overtime pay.

with respect to the preparation of the answers to the foregoing interrogatories, and identify the specific interrogatory No. 24: Identify each person, other than counsel, who provided information or assisted you

Answers: None.

identified).

Interrogatory No. 23: State whether you have within your possession or control photographs, documents or objects connected with the said occurrence; specify in your answer which such items you possess or over which you have control. (Please provide copies of any documents or objects connected with the said occurrence; specify in your answer which such items you possess or over which you have control.)

Answers: None

of each to the answers to these interrogatories.

Interrogatory No. 22: To the extent not already identified in response to these interrogatories, identify all documents that refer or relate in any way to the issues in this litigation, and attach copies of each to the answers to these interrogatories.

Answers: None.

Interrogatory No. 21: State the name of any person whom you propose to call as an expert witness in this proceeding, specifying the field of his or her expertise, the subject matter on which he or she is expected to testify, the substance of the findings and the opinions to which he expects to be called to testify, the substance of the findings and the opinions to which he expects to be called to testify, the substance of the findings and the opinions to which he expects to be called to testify, and a summary of the grounds of each opinion.

Answers: No.

Interrogatory No. 20: During the time that you were or have been employed by the defendant employer, state whether you have ever spent time during the course of your basic twelve (12) hour day performing work for the defendant employer (e.g., attending to any personal business) without taking leave, and, if so, for each instance that you spent attending to personal business, set forth:

- The date when this occurred;
- How much time you spent exercising or attending to personal business; and
- Whether you also began work earlier than your basic twelve (12) hour day or
- Finisched work after your basic twelve (12) hour day on that same day.

Answers: I arrived late to work one time for 20 minutes. About three years after I started working there.

Interrogatory No. 20: During the time that you were or have been employed by the defendant employer, state whether you have ever spent time during the course of your basic twelve (12) hour day performing work for the defendant employer (e.g., attending to any personal business) without taking leave, and, if so, for each instance that you spent attending to personal business, set forth:

- How much later you arrived or how much earlier you left; and
- Whether you also began work earlier than your basic twelve (12) hour day or
- Finisched work after your basic twelve (12) hour day on that same day.

[signatures on following page]

Answer: None.

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218 E. Lexington Street, Suite 700
The Law Office of Patrick S. Preller
Patrick S. Preller, Esq.

Answers to Interrogatories was sent via first class mail, postage pre-paid, to:

I HEREBY CERTIFY, that on this 6th day of May, 2013, a copy of the foregoing Plaintiffs

CERTIFICATE OF SERVICE

E-Mail: jhwang@ki-hwang.com
Fax: 240.715.9116
Phone: 240.477.7738
Rockville, Maryland 20855
15800 Crabb's Branch Way, Suite 310
Ki & Hwang
Jae S. Hwang, Federal Bar No. 17776

DATED this 6th day of May 2013.

Plaintiff Karla Patricia Lraheta

I HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT THE FOREGOING RESPONSES ARE TRUE AND ACCURATE UPON MY PERSONAL INFORMATION, KNOWLEDGE AND BELIEF AT THE TIME SUCH RESPONSES WERE MADE